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PROGRESS ACHIEVED IN IMPROVING THE OPERATION OF THE TREATY BODIES

Report of the Secretary-General

Introduction

1. The General Assembly first decided to include on its agenda an item on the reporting obligations of States parties under United Nations human rights instruments in its resolution 37/44 of 3 December 1982. Since then, the General Assembly has considered and expressed its concern at problems relating to the reporting obligations under the various human rights instruments, as well as their effective monitoring by the bodies created under those instruments, at each of its sessions and has adopted relevant resolutions. (See resolutions 38/117; 39/138; 40/116; 41/121; 42/105; 43/115; 44/135; 45/85; and 46/111.) The Commission on Human Rights has also regularly reviewed problems relating to the effective functioning of the treaty bodies since 1989 and has adopted resolutions reflecting its concerns and recommendations. (See resolutions 1989/46 and 1989/1947; 1990/25; 1991/20 and 1992/15.)

2. The first meeting of the Chairpersons of the bodies entrusted with the consideration of reports submitted under the relevant human rights instruments took place at Geneva on 16 and 17 August 1984. The results of that meeting

are reflected in document A/39/484. The second and third meetings of Chairpersons were held at Geneva from 10 to 14 October 1988 and from 1 to 5 October 1990, respectively. The reports of those meetings are contained in documents A/44/98 and A/45/636 respectively. The fourth meeting of Chairpersons has been convened by the Secretary-General pursuant to General Assembly resolutions 45/85 and 46/111 and Commission on Human Rights resolution 1992/15.

I. FOLLOW-UP ACTION ON THE CONCLUSIONS AND RECOMMENDATIONS OF THE THIRD MEETING OF CHAIRPERSONS

3. The report of the third meeting of Chairpersons (A/45/636) was considered by the General Assembly at its forty-fifth and forty-sixth sessions. The General Assembly expressed satisfaction at the report and the Chairpersons' conclusions and recommendations. Its specific views are reflected in its resolutions 45/85 and 46/111.

4. All of the conclusions and recommendations adopted at the third meeting of Chairpersons (A/45/636, paras. 50-75) have been followed up and in some cases action has been completed. The relevant developments in this regard are discussed below.

Timely submission of overdue reports (paras. 50-51)

5. In its resolutions 45/85 and 46/111, the General Assembly continued to urge States parties to make every effort to meet their reporting obligations under the various human rights instruments. (For updated information on the general situation of overdue reports, see document HRI/MC/1992/3.)

6. Additionally, the Committee on the Elimination of Racial Discrimination decided at its thirty-ninth session in March 1991, to review the implementation of the Convention in those States whose periodic reports were excessively overdue. The States concerned were notified that, if a new report was not submitted in time for consideration at the Committee's next session, reviews would be carried out on the basis of the report previously submitted and its consideration by the Committee. Such notifications were sent to a total of 26 States. One new report was submitted and considered; postponements were requested and granted in the case of three States and 22 reviews were carried out on the basis of previous reports. In two of these cases, States parties' representatives participated in the review.

7. With respect to the related problem of repeated requests by some States parties for the postponement of the consideration of their reports, the Committee on Economic, Social and Cultural Rights decided, at its fifth session in November/December 1990, that on the third occasion that a State party's report is scheduled for consideration the Committee will, except in truly exceptional circumstances, proceed with the consideration of the submitted report whether or not a representative of the State party concerned is able to be present.

Universalization of the human rights instruments (para. 52)

8. Since the third meeting of Chairpersons, there has been a significant increase in the number of States parties to the principal United Nations human rights instruments, particularly the two International Covenants and the Convention on the Rights of the Child. At present, over 160 States are party to at least one of the seven human rights instruments which establish a treaty-monitoring body. Pursuant to resolution 1990/24 of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities, the Secretary-General requested States which are not parties to the various human rights instruments to provide information to the Sub-Commission on the circumstances which so far had prevented them from ratifying or acceding to the instruments and to explain any particular difficulties in respect of which the United Nations might offer assistance. In his report to the Sub-Commission at its forty-fourth session concerning the encouragement of universal acceptance of human rights instruments (E/CN.4/Sub.2/1992/27), the Secretary-General stated that no replies to the request for information had been received. The Secretary-General noted, however, that on the occasion of his official contacts with Member States which had not yet ratified or acceded to international human rights instruments, he had repeatedly urged them to do so and had offered the assistance of the United Nations in helping to overcome any special difficulties. Similarly, the Under-Secretary-General for Human Rights had also drawn the attention of the Member States concerned to the importance of the universal acceptance of human rights instruments and to the possibility of appropriate assistance under the programme of advisory services and technical assistance of the Centre for Human Rights.

Financial situation of the treaty bodies (paras. 53-54)

9. Pursuant to Commission on Human Rights resolution 1990/25, the Secretary-General transmitted to the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination a note verbale requesting their views on the feasibility of establishing a contingency reserve fund. Some 20 per cent of the States parties replied to the Secretary-General's note. Although many replies were favourable, there was not sufficient agreement that such a fund would be an effective means of restoring financial stability to the Committee on the Elimination of Racial Discrimination. Accordingly, the question of the contingency fund was not acted upon at the Fourteenth meeting of States parties to the Convention in January 1992.

10. Bearing in mind the Chairpersons' recommendations, in its resolution 46/111 the General Assembly, inter alia, invited States parties to the International Convention on the Elimination of All Forms of Racial Discrimination and to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to consider, as a matter of priority, all possibilities for putting arrangements for meeting the costs of implementing those treaties on a viable, guaranteed basis, including by considering possible amendment to the funding provisions of those treaties. In its decision 46/429, the General Assembly also requested the States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider a proposal submitted by the Government of Australia to amend article 8, paragraph 6, of the Convention on meeting the expenses of

members of the Committee on the Elimination of Racial Discrimination from the regular budget of the United Nations. The amendment was adopted without a vote at the Fourteenth meeting of States parties on 15 January 1992 and will enter into force after it has been approved by the General Assembly and subsequently accepted by a two-thirds majority of States parties to the Convention.

11. A similar amendment to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was proposed by the Government of Australia and adopted by the Conference of States parties convened on 9 September 1992 under article 29 of the Convention. That amendment will come into force after it has been accepted by a two-thirds majority of States parties to the Convention and subsequently approved by the General Assembly.

12. In 1992, the Committee on the Elimination of Racial Discrimination continued to experience difficulties owing to the non-payment of mandatory contributions under the Convention. As a result, the Committee, which normally meets for two sessions every year of three weeks' duration each, was forced to cancel its March session and to curtail its August session to two weeks. However, if the amendments to the two instruments are ultimately accepted by the States parties and the General Assembly agrees to provide funding from the regular budget of the United Nations to meet the expenses of the two Committees, the recommendation contained in paragraph 54 will have been carried out in full.

Adequate secretariat resources for servicing the treaty bodies (para. 55)

13. In its resolution 46/11, the General Assembly requested the Secretary-General to review the need for adequate staffing resources in regard to the various treaty bodies and to report thereon to the Commission on Human Rights at its forty-eighth session (1992). In his report to the Commission (E/CN.4/1992/75), the Secretary-General noted that in addition to the three posts (two Professional and one General Service) already approved in connection with the Convention on the Rights of the Child, a further four posts (two Professional and two General Service) would be provided in 1993 to the Centre for Human Rights should the International Convention on the Protection of All Migrant Workers and Members of Their Families enter into force. (At present there are only two signatories to that Convention.) The assignment to the Centre for Human Rights of additional posts is currently under consideration.

14. The Human Rights Committee, in its report to the General Assembly at its forty-seventh session, requested the Secretary-General to take the necessary steps to ensure a substantial increase in the specialized staff assigned to service the Committee, in view of the significant increase in the secretariat's workload in providing substantive servicing to the Committee in relation to the monitoring of States' reports and the consideration of communications submitted under the Optional Protocol (see A/47/40, para. 22).

Cross-referencing in the reporting procedures (para. 56)

15. A number of reporting States have made reference, in either the oral presentation of a report or in the report itself, to information provided in a report submitted to another treaty body; however, this practice is not widespread.

Promoting greater interaction between the treaty bodies (para. 57)

16. In response to the recommendation of the third meeting of Chairpersons, each of the treaty bodies, except the Group of Three which does not have a continuing membership, has designated members to follow developments in the other treaty bodies and to report thereon to their respective committee. Additionally, some treaty bodies have designated members to report on relevant developments in other United Nations human rights bodies, such as the Commission on Human Rights and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and regional bodies such as the European Committee for the Prevention of Torture and the European Parliament.

17. At its fifth session in November/December 1990, the Committee on Economic, Social and Cultural Rights decided to recommend that a meeting be held with one or two representatives each of the Human Rights Committee, the Committee on the Rights of the Child, the Committee on the Elimination of Discrimination against Women and the Committee on Economic, Social and Cultural Rights, with a view to discussing matters of interest relating to the rights of the child, including the most appropriate approaches to the supervision of overlapping treaty obligations. The Committee on the Rights of the Child, at its first session, endorsed that recommendation. Additionally, the Economic and Social Council, in its resolution 1991/25, recommended that a close relationship be maintained between the Committee on the Elimination of Discrimination against Women, the Committee on the Rights of the Child and other United Nations human rights bodies and between the secretariats of those Committees. Accordingly, a member of the secretariat of the Committee on the Elimination of Discrimination against Women attended part of the first session of the Committee on the Rights of the Child.

18. It should also be noted that, during its fortieth session in August 1991, the Committee on the Elimination of Racial Discrimination held a joint meeting with the Sub-Commission on Prevention of Discrimination and Protection of Minorities. Among the issues discussed at the meeting were steps that might be taken to better coordinate activities of the two bodies concerning the prevention of racial discrimination.

Institutionalizing the meeting of Chairpersons (para. 58)

19. In its resolutions 1991/20 and 1992/15, the Commission on Human Rights endorsed the recommendation of the third meeting of Chairpersons to institutionalize such meetings and requested the General Assembly to take appropriate action to enable these meetings to be held on a biennial basis. In its resolution 45/85, the General Assembly requested the Secretary-General to convene, within existing resources, a further meeting of Chairpersons at a

time to be established. In its resolution 46/111, the General Assembly requested the Secretary-General to take appropriate steps to finance the biennial meetings of Chairpersons from available resources under the regular budget of the United Nations.

General comments, general recommendations and suggestions (para. 59)

20. Pursuant to a request of the Committee on the Rights of the Child, a compilation (HRI/GEN/1) has been made of all the general comments, general recommendations and suggestions made by the various treaty bodies. It is hoped that this compilation, which will be updated periodically, will facilitate normative consistency in the comments, recommendations and suggestions made under each of the human rights instruments.

Computerization of the work of the treaty bodies (para. 60)

21. In its resolution 45/85, the General Assembly endorsed the recommendations of the Task Force on Computerization (E/CN.4/1990/39) and requested the Secretary-General to give high priority to establishing a computerized database to improve the efficiency and effectiveness of the functioning of the treaty bodies. Pursuant to those recommendations, the Secretary-General requested Member States, in particular States which are parties to various human rights instruments, to make generous voluntary contributions to cover the initial one-time cost of the proposed system. At present, only two States, Luxembourg and Denmark, have responded to the request. Additional contributions will need to be received before the system envisioned in the report of the Task Force can be installed and made operational.

New human rights treaties (paras. 61-63)

22. It should be noted that since the third meeting of Chairpersons, the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty entered into force on 11 July 1991. Supervision of the instrument is entrusted to the Human Rights Committee. Also, in its resolution 1992/43, the Commission on Human Rights decided to establish an open-ended intersessional working group of the Commission to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The question of a possible optional protocol to the International Covenant on Economic, Social and Cultural Rights was considered by the Committee on Economic, Social and Cultural Rights at its sixth session in November/December 1991. Members of the Committee agreed to continue consideration of the question at the Committee's seventh session.

Background briefing for members of new treaty bodies (para. 64)

23. In May 1991, the Centre for Human Rights, with the support of the United Nations Children's Fund, organized a four-day background briefing for the newly elected members of the Committee on the Rights of the Child. Discussions at the briefing focused on the relationship between the treaty bodies, the relationship of the treaty bodies to other human rights organs and the nature of the work of United Nations agencies and bodies of direct

relevance to the work of the Committee. Participants in the meeting included Mr. Philip Alston of the Committee on Economic, Social and Cultural Rights, Mr. Fausto Pocar of the Human Rights Committee, and representatives of a wide range of United Nations agencies and bodies and non-governmental organizations (NGOs). The briefing was preceded by a two-day consultation with United Nations agencies and bodies and a one-day consultation with NGOs concerning the modalities of cooperation with the new Committee.

Consolidated reporting guidelines (para. 65)

24. Subsequent to the third meeting of Chairpersons, all States parties to the various human rights instruments were notified of the newly adopted consolidated guidelines for the initial part of State party reports and requested to submit their "core documents" to the secretariat. As at 1 September 1992, 13 core documents had been received.

Reporting manual (para. 66)

25. The reporting manual, drawn up with the cooperation of the United Nations Institute for Training and Research, was published in English in 1991 and has been widely distributed to Governments and concerned organizations. The manual is also available as a sales publication of the United Nations. A Chinese version of the manual has been produced and translation into other languages is under way. In the near future, the Centre intends to disseminate the reporting manual more widely.

World Conference on Human Rights (para. 67)

26. Representatives of the various treaty bodies attended, as observers, the first, second and third sessions of the Preparatory Committee for the World Conference on Human Rights. They made statements regarding the work of the treaty bodies and submitted to the Preparatory Committee the recommendations adopted by their respective committee concerning the World Conference. Mr. Philip Alston has been requested to update his study on long-term approaches to enhancing the work of the treaty bodies (A/44/668) in anticipation of the consideration of this issue by the World Conference.

Sources of information (para. 68)

27. In regard to this issue, the Committee on the Elimination of Racial Discrimination, at its fortieth session in August 1991, adopted a decision stating that in examining the reports of States parties, members of the Committee, as independent experts, must have access, to all available sources of information, both governmental and non-governmental.

Publicizing the work of the treaty bodies, including the dissemination of their reports (paras. 69-72)

28. In its resolutions 1991/24, 1992/15 and 1992/38, the Commission on Human Rights requested the Secretary-General to ensure that recent periodic reports of States parties to treaty-monitoring bodies and the summary records of committee discussions pertaining to them are made available in the United Nations information centres in the countries submitting those reports.

In compliance with that request, arrangements were made through the Distribution and Sales Section of the United Nations Office at Geneva to send all United Nations information centres copies of relevant documentation issued for the main treaty bodies serviced by the Centre for Human Rights. The Department of Public Information has informed all United Nations information centres of those arrangements and requested them to publicize the availability of these documents in their areas, with special emphasis on those countries that had submitted reports to the treaty bodies.

29. From 1 to 5 June 1992, an informal regional consultation of the Committee on the Rights of the Child was held in Quito. The consultation, which was organized by UNICEF in cooperation with the Centre for Human Rights, provided a chance for members of the Committee to promote greater awareness of the Convention and publicize the work of that Committee in a series of meetings with government officials as well as with representatives of concerned intergovernmental and non-governmental organizations. The consultation also included field trips to different parts of the country where members had an opportunity to visit various community projects relating to the rights of the child.

30. Recent activities at the national level of particular interest to the treaty bodies included the observance of the tenth anniversary of the entry into force of the Convention on the Elimination of All Forms of Discrimination against Women, for which the United Nations Information Service at Geneva organized a panel discussion on 9 September 1991 to evaluate the application of the Convention; a project undertaken in 1991 by the United Nations Information Centre at Bucharest for the translation and printing into Romanian of a number of basic human rights documents and international instruments for use by schools and university professors; and the hosting, by numerous United Nations information centres worldwide on Human Rights Day, of events focusing on the international human rights instruments.

31. Since the third meeting of Chairpersons, the Centre for Human Rights has produced, in the Fact Sheet series, publications on the Committee on Economic, Social and Cultural Rights, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination, and the Committee against Torture. Fact Sheet No. 10, dealing with the rights of the child, is now available in all languages and the publication of a Fact Sheet on the Committee on the Elimination of Discrimination against Women is planned in the near future. Two additional publications concerning the treaty bodies were produced in 1991: one, entitled The First Twenty Years: Progress Report of the Committee on the Elimination of Racial Discrimination, was produced by the Centre for Human Rights in cooperation with members of that Committee; the other is an illustrated publication on the Convention on the Rights of the Child, which was produced by the Department of Public Information. These materials, along with the annual reports and other appropriate documentation of the committees, are made available to all organizations and individuals requesting information from the secretariats of the various treaty bodies. Members of the treaty bodies who are responsible for following developments in another treaty body are automatically provided with the annual report of that committee. These annual reports are also available, on request, to all members of the treaty bodies.

Technical assistance, advisory services and training programmes (paras. 73-75)

32. In August 1991, a workshop was held in Moscow to familiarize and train officials responsible for the preparation of reports to United Nations human rights treaty bodies. The report of the seminar has been published by the Centre for Human Rights in the World Campaign for Human Rights series (HR/PUB/91/5).

33. During the period under review, the standards set by international human rights instruments and the various reporting procedures established thereunder were the main or leading topics discussed at national human rights workshops and seminars organized by the Centre for Human Rights in Bulgaria, Indonesia, and Namibia. Recent human rights training courses, focusing wholly or in part on human rights instruments and reporting procedures, were held in Albania, Bolivia, Brazil, Bulgaria, Chile, China, Ecuador, Egypt, Iran, (Islamic Republic of), Mongolia, Namibia, Romania, Swaziland, and Venezuela. Additionally, human rights training courses were organized by the Centre for French-speaking African countries, Portuguese-speaking countries, specialists from South Africa and English-speaking African countries. A number of other technical assistance projects concerning human rights instruments and reporting obligations are also envisaged, subject to the availability of financial resources.

34. In regard to specific initiatives undertaken by the treaty bodies on the question of technical assistance, the Committee on Economic, Social and Cultural Rights has offered to send one or two of its members to advise the Government of one of the States parties to the Covenant about needed efforts to promote full compliance with the Covenant, particularly with respect to the right to adequate housing.